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16 [Additional Counsel Listed Below]

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 ERICA FRASCO, individually and on behalf of  
20 all others similarly situated,

Case No.: 3:21-cv-00757-JD

21 Plaintiff,

22 v.

23 FLO HEALTH, INC., GOOGLE, LLC,  
24 FACEBOOK, INC., APPSFLYER, INC., and  
25 FLURRY, INC.,

26 **JOINT STIPULATION AND [PROPOSED]**  
27 **ORDER MODIFYING SEALING**  
28 **PROCEDURES RELATING TO CLASS**  
29 **CERTIFICATION BRIEFING**

30 Defendants.

1 Flo Health, Inc. (“Flo”), Google, LLC (“Google”), Meta, Inc. (f/k/a Facebook, Inc.)  
2 (“Meta”), and Flurry, Inc. (“Flurry”) (collectively, the “Defendants), by and through their counsel,  
3 and Plaintiffs Erica Frasco, Sarah Wellman, Jennifer Chen, Tesha Gamino, and Autumn Meigs  
4 (collectively “Plaintiffs”), by and through their counsel (together, the “Parties”), hereby stipulate to  
5 the following:  
6

7 WHEREAS, on September 21, 2023, Plaintiffs filed their motion for class certification,  
8 which attached 121 exhibits. Both Plaintiffs’ motion and many of the exhibits include information  
9 designated “Confidential” and/or “Highly Confidential” (pursuant to the Protective Order entered in  
10 this action at Dkt. 113) by one or more Parties;

11 WHEREAS, Defendants will file their opposition to class certification on October 30, 2023;

12 WHEREAS, Plaintiffs will file their reply in support of their motion for class certification  
13 on November 30, 3023;

14 WHEREAS, the Parties anticipate that each of these briefs will continue to include or  
15 reference information designated “Confidential” and/or “Highly Confidential” by one or more  
16 Parties, which would, under Local Civil Rule 79-5, require multiple rounds of administrative  
17 motions to seal, statements in support, and corresponding oppositions;

18 WHEREAS, in the interest of conserving both judicial and party resources, the Parties  
19 respectfully move this Court for a modification to the applicable sealing procedures under Local  
20 Civil Rule 79-5 as set forth below;

21 WHEREAS, the Parties’ proposal is made pursuant to this Court’s Standing Order Rule 31,  
22 which states, in relevant part: “If the parties anticipate that this paragraph will apply to a round of  
23 briefing, they may indicate in the initial motion to file under seal that accompanies a brief or other  
24 document as it is lodged under seal on the docket, that a more fulsome and revised motion to seal  
25

1 will be forthcoming after the completion of briefing pursuant to this paragraph of the Standing  
2 Order.”

3 WHEREAS, this Court has previously approved similar modifications to the procedures  
4 provided in Local Civil Rule 79-5 in other cases before it, such as *In re Google Play Store Antitrust*  
5 *Litigation*, Case No. 3:20-cv-05671-JD (May 27, 2022) (Dkt. 264) (adopting procedure for omnibus  
6 sealing motion to follow completion of briefing on underlying motion);  
7

8 WHEREAS, in this stipulation, no Party takes any position as to the propriety of seeking to  
9 seal any other Party’s redacted material, and each Party reserves all rights to oppose any other  
10 Party’s sealing motion;

11           **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED SUBJECT TO**  
12 **THE COURT’S APPROVAL:**

- 13
- 14       • That the Parties shall follow the below sealing procedures in connection with class  
15 certification briefing in lieu of the sealing procedures set out under Local Civil Rule 79-5.
  - 16       • If a Party files a document for which it intends to request sealing, the Party may file  
17 the document in redacted or slip-sheet form and contemporaneously lodge an unredacted (and  
18 if necessary, highlighted) copy of the same document on the ECF docket, provisionally under  
19 seal, along with a 1-page interim sealing motion indicating that the reasons for sealing will be  
20 discussed in a forthcoming omnibus sealing motion.
  - 21       • The Parties and any affected third parties shall jointly file an omnibus sealing motion  
22 by December 14, 2023—i.e., within 14 days after the filing of the Plaintiffs’ reply brief in  
23 support of the motion for class certification;
  - 24       • The Party filing the underlying document sought to be sealed shall bear the  
25 responsibility of: (1) notifying each affected third party regarding any of its confidential  
26

1 information that has been filed under seal and (2) soliciting each affected third party's  
2 request(s) for sealing or waiver(s) of confidentiality for inclusion in the omnibus sealing  
3 motion; and

- 4 • The Party filing the underlying document sought to be sealed shall file the public-  
5 facing version of the document, with any redactions pursuant to the Court's sealing order,  
6 within 21 days following the Court's order on the omnibus sealing motion.

8  
9 **IT IS SO STIPULATED.**

10 Dated: September 23, 2023

/s/ Ashley Rogers

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23 IT IS SO ORDERED.  
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